THE FRONT

A REAL HORROR SHOW

Question: *What does the Tri-Cities trash heap have in common with the Blob?* Answer: *You never know where it will turn up next.*

BY KATHLEEN STANTON

The blob creeps and crawls; it slides and slithers and seeps. But you don't need a $5.50 theatre ticket to see it. This blob is coming to you.

Parts of it already are here, to be precise, littering the Salt River from Mesa to central Phoenix. Fetid, gray remnants of the mother blob, the Tri-Cities Landfill, were torn away by the floods of 1978 and 1980 and deposited wherever the waters came to rest.

Not a pretty picture, say frustrated state environmental officials, and not one that's easy to ignore since the landfill, located off the Beeline Highway a few miles north of the McDowell Road intersection, is a mite too close for comfort. The situation also is not very consistent with the respect for Mother Earth espoused by its owners, the Salt River Pima-Maricopa Indian Community, who've spent the last ten years thwarting or otherwise avoiding efforts by non-Indian agencies to correct the landfill's many shortcomings.

The past washouts were massive — mountains of garbage collapsed and washed away, state records show, as the swollen river reclaimed territory lost to the landfill's steady spread into the riverbed. Floodwaters breached the landfill's unprotected flanks and formed a small lake, soaking the buried garbage for months afterward.

So, in addition to giving birth to reeking, germ-laden bloblets, the landfill is prone to drip. The drips, called "toxic leachate" in recent state and federal reports, cannot be seen by the human eye. But traces of leachate, containing TCE, vinyl chloride and other known or suspected carcinogens, have been picked up in groundwater less than two miles from drinking-water wells that supply the City of Mesa. As of 1986 the toxins had crept into eight industrial and irrigation wells in Mesa, on the opposite bank of the river.

Most of the time the dump and its diaspora are out of sight. And out of mind, as far as its customers are concerned. So what if the landfill, as environmentalists and state officials contend, violates every basic rule of safe, clean operation? The rates are unbeatable, less than one third the disposal charges levied by other area dumps. The only thing cheaper is open dumping in the desert (still the preferred alternative of some who apply libertarian principles to garbage disposal).

And most of the time the garbage deposited at Tri-Cities stays put, more or less, if you discount the fugitive litter festooning the surrounding countryside.

But state solid-waste officials, who've spent the last ten years battling to end health and environmental hazards at other local dumps, say Tri-Cities is the worst-run landfill in the county. And federal officials say even the landfill's tribal owners admit the next time big water flows down the river, it's likely to take part of the landfill with it.

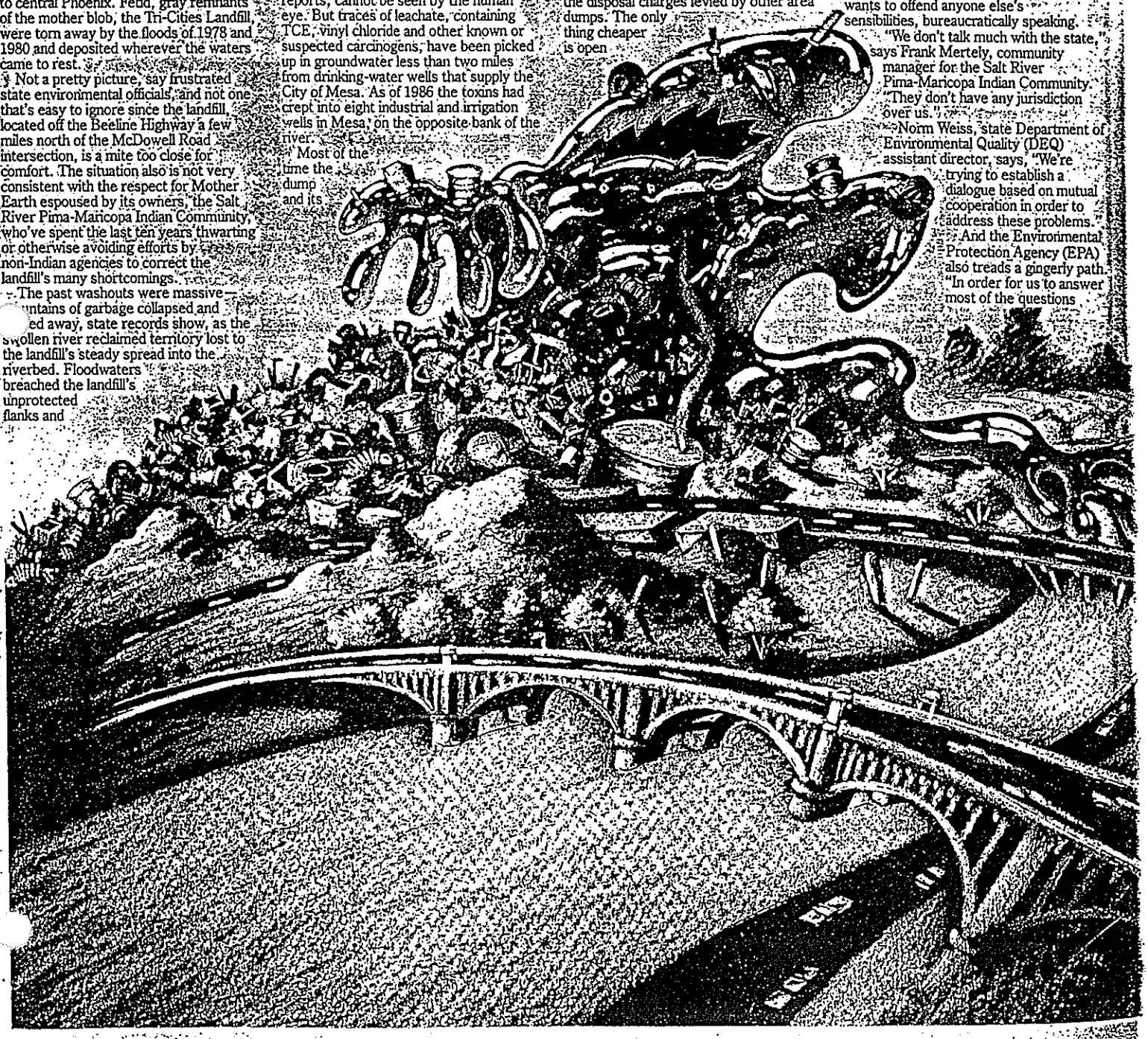
When that happens, the garbage will wind up right back where most of it came from, on the doorsteps of Mesa, Tempe, and Scottsdale.

Some observers see a certain symmetry in the prospect but, metaphysics aside, this scenario violates a host of solid- and hazardous-waste laws. As such, the topic is a sensitive one with state, federal and Indian officials. No one wants to offend anyone else's sensibilities, bureaucratically speaking.

"We don't talk much with the state," says Frank Mertely, community manager for the Salt River Pima-Maricopa Indian Community. "They don't have any jurisdiction over us."

Norm Weiss, state Department of Environmental Quality (DEQ) assistant director, says, "We're trying to establish a dialogue based on mutual cooperation in order to address these problems."

And the Environmental Protection Agency (EPA) also treads a gingerly path. "In order for us to answer most of the questions



:garding this site, we'd like the benefit of
ıishing our investigation," says Tom Mix,
federal Superfund official with the EPA's
ın Francisco office.
Mix, a distant relation to the cowboy
:ar of yesteryear, says he's not ducking
ıe issue. "On the contrary, 'It's on the
on er' is the impression I want to
ave e says.
But with jurisdictional issues and
ensibilities so pink and tender to the
ıuch, it falls to those outside official
ıannels to land the hard punches, if such
:tion is possible against so amorphous a
roblem.

"THEY WERE NOT BY ANY STRETCH of
ıe imagination meeting the basic
:quirements for operating a landfill," says
hu Baker, a long-time state landfill
spector, in describing his first contact
ith tribal officials in 1978. Baker, who
orked for the state ten years before
king a private-sector job in 1986, is
ıout as knowledgeable on the topic as
ıybody outside of tribal officials
emselves.
And tribal officials are not keen to
scuss problems with the Tri-Cities
ndfill, which has grown since its
ening in 1972 to become the biggest
venue producer on the Salt River
eservation, federal records show. "I
n't really care to comment about the
ıdfill," says Mertely. "We've always run
pretty good 'fill as far as I know."
Federal and state records tell a very
fferent story; indeed, government
ficials are hard-pressed to cite another
ıdfill operation in the state that is so
lnerable to flooding, so haphazard about
onitoring for explosive gases and illegal
zardous-waste dumping, and so
ifferent to growing documentation of
xic groundwater pollution from the site.
The was a time when the Tri-Cities
ınd ered little from other landfills.
dec or so past, after all, garbage
ımps were only slightly evolved from
the time when everyone except the Chinese tossed their trash toward the nearest flowing water and waited, with the same certitude they awaited sunup, for nature to do the flushing. (The Chinese, by custom, tossed their trash into their outhouses and dipped it out again each spring after it had become fertilizer.)
But, one by one, the moldy pockets of earth where dirty diapers, dead cats and putrescent leftovers end up have been prodded into compliance with the law—or closed. Except for the Tri-Cities Landfill. And it's a vexation that furrows brows behind state and federal desks alike.
"Tri-Cities hasn't been making the progress that other operations have made in recent years," says Tibaldo "Ty" Cañez, manager of the DEQ hazardous-

So what if the landfill violates every basic rule of safe, clean operation?

and solid-waste section. "It seems like the others have recognized the need to change as the law became stricter, but the tribe hasn't."
The DEQ even suspects that some aspects of the operation are, if anything, worse than a decade ago. Most recently, state solid-waste officials say they saw Tri-Cities operators apparently burying garbage directly in the river channel, in pits excavated by a sand-and-gravel company. The charge, which Mertely denies, would represent a gross violation of numerous federal and state solid-waste and clean-water laws if it happened on non-Indian land.
But the state, and its federal counterpart EPA, cannot simply order the Indians to stop. Neither agency has regulatory jurisdiction over Indian lands. They can't even walk onto the Tri-Cities site without an invitation, and efforts to remedy the situation through persuasion have run up against problems—of history, economics, even attitude—that go way beyond garbage disposal.
"When we tried to talk to them, the attitude was 'stick it in your ear,'" Baker says. "They didn't do a thing about flood protection after the '80 flood and went right back in and started landfilling in the place that had washed out."

photo courtesy of the Arizona Department of Environmental Quality

The Salt River surged past the landfill's weak defenses in 1978, reaching almost to the Beeline Highway and covering much of the landfill.

"That's not garbage, that's flood protection, Mertely asserts. "We've been building berms for flood protection as long as we've used that area," he says. "What you see going in there is not garbage, it's construction debris and brush. That's what we're building our berms out of."
Such berms are not flood-proof, state officials retort, and they've taken more than one landfill owner—including the City of Phoenix—to court over the point. "On non-Indian land, we require any landfill in a flood plain to be protected by a dike that'll withstand a 100-year flood," says Barry Abbott, head of the DEQ solid-waste office. "That generally requires a covering of riprap—large chunks of broken concrete—designed and installed in a way that meets engineering standards. The Tri-Cities berm may be able to meet such technical standards, but I doubt it from what I've seen."
An EPA inspection of the Tri-Cities site last December, the first solid-waste inspection there in three years, found many of the same serious problems first noted by state officials ten years earlier. The EPA inspector noted that landfill officials have no written engineering plan nor any idea how much water their berm can withstand. He also quoted tribal public-works director Barnett Gates' acknowledgment that the landfill would probably wash out in high water.
Gates declined *New Times*' request for comment and referred all questions to Ivan Makil, the tribe's community-relations director, who did not return repeated phone calls. But Mertely says the EPA "hasn't said no to what we're doing." He characterized the EPA—which in February requested written site plans and a timetable for completion of the flood-protection berm, installation of explosive-gas monitors, and a fence to prevent scavenging and control wind-blown litter—as having "really only minor comments."
Despite the tribe's failure to fulfill past commitments to address the problems, the EPA inspector returned home last year with a notepad full of new promises and assurances. "We knew we couldn't enforce anything, but we felt we should let them know how they stack up against our criteria, [even] knowing they could ignore us if they wanted, and which they did," says Karen Schwinn, chief of hazardous-waste enforcement at the EPA's regional office in San Francisco.
State officials are disappointed at the tribal officials' lofty indifference. "Somebody's got to tell them you can't run these landfills by the seat of your pants," Abbott says. And if the tribe has failed to get the point thus far, he says, "It's too bad the EPA letter didn't reflect the seriousness of the violations out there."
The Salt River tribal officials are not alone in brushing off pesky regulators. Even after new laws took effect and garbage dumps became "sanitary landfills" in technocratic parlance, local cities were mulish about changing the old ways. They clung to riverbanks as the preferred spot for a dump. Such innovations as fences, flood-control dikes and explosive-gas monitoring devices (rotting garbage produces methane) frequently had to be thrust upon them by regulatory force.
The history of Phoenix and its dumps is

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Illustration by Erik Jensen

ANDFILL

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strative: City officials fought like
nken bulldozer operators when state
alth officials began imposing
vironmental controls in 1978. It took a
vsi[illegible] environmental lawyer David
ro[illegible]n an assistant attorney general
presenting the state health department,
obtain the city's consent in 1979 to
ing its three landfills into compliance
th federal and state solid-waste laws.
Phoenix was obliged to close unsafe
es, wrap others in riprap to guard
ainst washouts, test incoming loads for
e presence of prohibited hazardous
astes, and investigate potential
oundwater contamination from past
mping.

Last year the state again filed suit, this

'Somebody's got to tell hem you can't run these andfills by the seat of your ants."

me against the privately owned and
perated El Mirage Landfill northwest of
hoenix, to force the installation of
dequate flood protection.

BUT WHAT TO DO ABOUT a Neanderthal
mong landfills with political immunity to
oot? The situation is not without hope,
ays Weiss, even if talks scheduled for
riday (August 19) between tribal and
state officials don't work out.

"We or the feds could bring a citizen
suit, as we did against the El Mirage
Landfill," Weiss explains. "Or we could
take the approach of regulating the cities,
because they have an obligation to dispose
of waste in a legal landfill."

The only improvements at the landfill
tha[illegible] occurred—such as installation of
two [illegible]itoring wells where groundwater
contamination was detected in 1980—
were prompted by a 1979 threat from the
state to impose sanctions on the cities that
use the landfill, Weiss acknowledges.
Tribal officials threatened to blockade the
Beeline Highway if the state started
levying penalties against the landfill's
prime customers. The sanctions were
never imposed, but state officials deny the
decision had anything to do with the

photo courtesy of the Arizona Department of Environmental Quality

Pollution from the Tri-Cities Landfill is everyone's concern—or ought to be, says Norm Weiss, assistant director for the state Department of Environmental Quality.

threat. "There was a change in
administration, and it seemed like it just
fell through the cracks," Abbott says.

More recently, tribal officials have blocked
efforts by the Maricopa Association of
Governments to install additional
monitoring wells.

Baron, adviser to the state in its 1979
effort, says one of the quickest and
easiest ways to sanction municipal
recalcitrants would be to disapprove new
subdivisions on the grounds that the cities
aren't using state-approved garbage-
disposal sites. "In general, DEQ has not
used that authority in urban areas, but
subdivision disapprovals are done a lot in
outlying communities where garbage-
disposal services may be nonexistent,"
Baron says.

State officials don't want to put their
dukes up before they're supposed to talk
cooperation with tribal officials. But the
talks may not work out unless
enlightenment strikes in one direction or
another. "[The agencies] don't have any
legal authority over tribal land," Mertely
asserts. "But if they've got a concern
we'll hear what they have to say."

More empty promises, however, won't
be enough, state officials say. Referring to

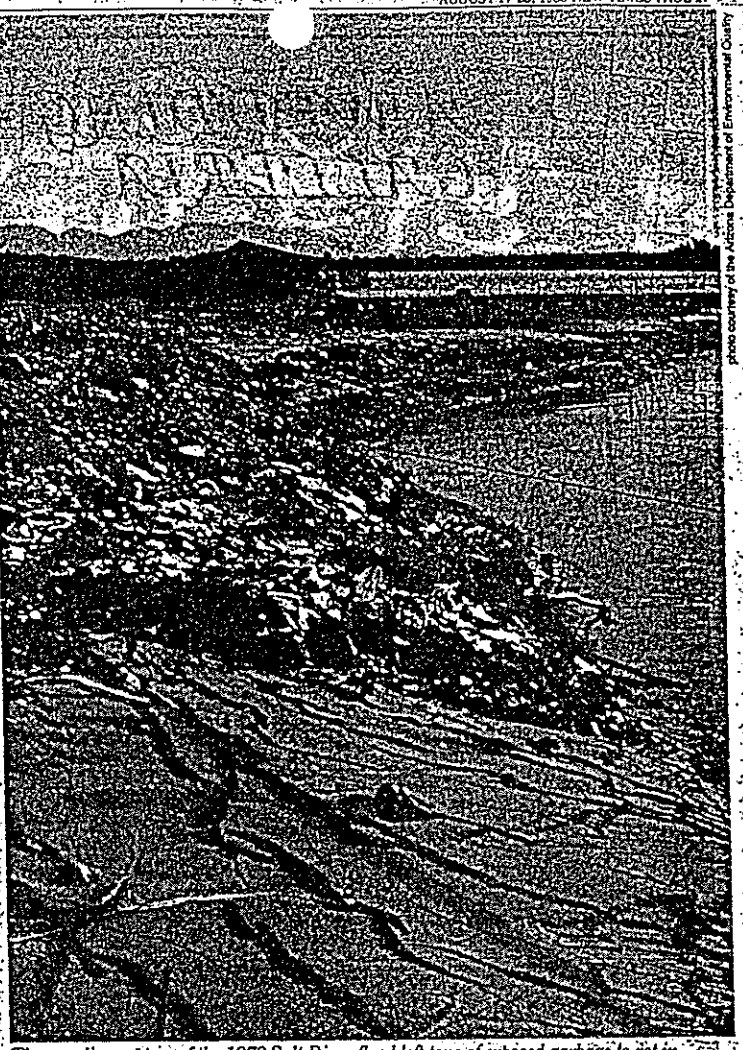

photo courtesy of the Arizona Department of Environmental Quality

The receding waters of the 1978 Salt River flood left tons of exposed garbage to rot in the sun.

tests of nearby Salt River Project and
private wells indicating chemical
contamination from the landfill, Weiss
explains, "Now it's more than preventive
action we're talking about. Remedial
actions to clean up the groundwater
contamination are involved."

"It's pretty much to the end of the
line," he says. "If we don't get a workable
plan to address flood protection and
groundwater contamination, we'll start
looking at our other [legal] options."
And, he hints, one of those options just
might include holding the cities of Mesa,
Tempe, and Scottsdale responsible for
any needed groundwater cleanup. □